

REMARKS

Claims 1-46 are pending in the application. Claims 9 and 10 are allowed. Claims 1, 2, 4, 11-13, 21-23, 28-30, 35-38 and 40-46 stand rejected. Claim 12 is cancelled, claims 1, 11, 36, 37, 40, 43 and 46 are amended, and claims 47 and 48 are added.

The Examiner has requested that Applicant offer to surrender the original patent. Applicant will surrender the original patent when the Examiner has indicated that the application, including all pending claims, is in a condition for allowance.

The Examiner was interviewed on July 11, 2003, to discuss the merits of the rejections and his statements regarding allowable subject matter. The parties discussed specific amendments that would make the rejected claims allowable over the cited references. The parties agreed that the Examiner would provide a written summary of the interview for the record.

The Examiner rejected claims 1, 2, 4, 11, 12, 36-38, and 40-46 under 35 U.S.C. 102(b) as being anticipated by Yoneyama *et al.* In paragraph 11 of the Office Action, the Examiner states:

[N]o prior art could be located that teaches or fairly suggests an image capture unit that adds additional rows and columns to the output of an image sensor for rotating the image in response to an orientation signal.

Since amended claims 1, 11 and 36 each recite this limitation, claim 1, 11 and 36 must be allowable based on the Examiner's admission that no prior art reference shows or fairly suggests such a limitation. Applicant respectfully requests withdrawal of the rejections of claims 1, 11, and 36, and allowance of claims 1, 11, and 36 as amended.

Claims 2-8 and 12-20 depend from claims 1 and 11, respectively, and include all the limitations of claims 1 and 11. Therefore, claims 2-8 and 12-20 are allowable for at least the same reasons as claims 1 and 11, and for the additional subject matter contained therein. Applicant respectfully requests withdrawal of the rejections of claims 2-8 and 12-20 and allowance of claims 2-8 and 12-20.

The Examiner rejected claims 21, 22, 28, 29, 12, 36-38, and 35 under 35 U.S.C. 103(a) as being unpatentable over Yoneyama. Applicant respectfully traverses these rejections.

Independent claim 21 includes the limitation "said image processing unit rotates said display orientation of said multicolor image data for providing rotated multicolor data, and

changes the number of pixel rows and pixel columns of said multicolor image data such that, from a defined referenced viewpoint, said rotated multicolor image data includes having an (i-1)-by-(j-1) pixel matrix said pattern.” Independent claim 28 includes the limitation “said image processing unit rotates said display orientation of said multicolor image data for providing rotated multicolor image data, and changes the number of pixel rows and pixel columns of said multicolor image data such that, from a defined referenced viewpoint, said rotated multicolor image data includes having an (i-1)-by-(j-1) pixel matrix said pattern.” Independent claim 35 includes the limitation “wherein, from a defined referenced viewpoint, said rotated multicolor image data includes an (i-1)-by-(j-1) pixel matrix having said pattern.” These claimed features enable the rotation of multicolor image data having, for example, a Bayer pattern.

As correctly stated by the Examiner, Yoneyama is silent with regard to using multicolor image data and defect-correcting means. The Examiner’s sole basis for his obviousness rejections is that “[t]he advantage to using multicolor image data is that more realistic video can be conveyed to the viewer.”

Claims 21, 28, and 35 include limitations that address the problem of rotating image data from multicolor sensors having fixed RGB patterns, such as a Bayer pattern. The Examiner’s argument that multicolor image data provides more realistic video fails to show or suggest the claimed invention, which addresses the rotation of fixed RGB image data from, for example, portrait to landscape or vice-versa. Moreover, since the Examiner has failed to reasonably point out where Yoneyama shows or suggests each and every element of claims 21, 28 and 35, the Examiner has failed to make a *prima facie* case of obviousness for claims 21, 28 and 35. See MPEP 706.02(j).

The failure of the cited references to show or suggest each and every element of claims 21, 28 and 35 vitiates any basis for rejections under 35 U.S.C. 102(b) or 103(a). Applicant respectfully requests withdrawal of the rejections of claims 21, 28 and 35, and allowance of claims 21, 28 and 35.

Claims 22-27 and 29-34 depend from claims 21 and 28 respectively, and include all the limitations of claims 21 and 28. Therefore, claims 22-27 and 29-34 are allowable for at least the same reasons as claims 21 and 28, and for the additional subject matter contained therein. Applicant respectfully requests withdrawal of the rejections of claims 22-27 and 29-34, and allowance of claims 22-27 and 29-34.

In paragraph 11 of the Office Action, the Examiner states:

[N]o prior art could be located that teaches or fairly suggests a camera with (a) an orientation sensor that determines whether the camera is held in either a portrait or landscape orientation, and (b) an image rotator for calculating a rotated image based on the result of the orientation.

Applicants have amended claims 37, 40, 43 and 46 to include these distinguishing limitations.

The failure of the cited references to show or suggest each and every element of claims 37, 40, 43 and 46 vitiates any basis for rejections under 35 U.S.C. 102(b) or 103(a). Applicant respectfully requests withdrawal of the rejections of claims 37, 40, 43 and 46, and allowance of claims 37, 40, 43 and 46.

Claims 38-39, 41-42 and 44-45 depend from claims 37, 40, 43 and 46, respectively, and include all the limitations of claims 37, 40, 43 and 46. Therefore, claims 38-39, 41-42, and 44-45 are allowable for at least the same reasons as claims 37, 40, 43 and 46, and for the additional subject matter contained therein. Applicant respectfully requests withdrawal of the rejections of claims 38-39, 41-42 and 44-45, and allowance of claims 38-39, 41-42 and 44-45.

New claims 47-48 include limitations that are not shown or fairly suggested in the prior art per the Examiner's statements regarding Allowable Subject Matter in the pending Office Action.

Applicant submits that this application, including all pending claims, is now in condition for allowance. Reconsideration and allowance of this application is hereby solicited.

Respectfully submitted,

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